

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN,  
*pro se*

*Plaintiff,*

VS.

Civil Action No. 1:23-cv-126-WES-PAS  
U.S. Court of Appeals for the First Circuit Appeal No. 23-1967  
Related Appeal No. 23-1851  
Related Appeal No. 24-1451

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES, et al.  
*Defendants-Appellees*

*Defendants*

**PLAINTIFF'S REPLY TO STATE APPELLEES' INCOHERENT  
RESPONSE (ECF 68) TO PLAINTIFF'S RULE 62.1 MOTION (ECF 64)**

**The Operative Rule 62.1 Motion is docketed under ECF 64 (See ECF 64-1)**

**ORAL ARGUMENT REQUESTED**

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STATE-SPONSORED ORGANIZED FRAUD, THEFT OF PUBLIC MONEY  
AND GOVERNMENT PROGRAMS INVOLVING BILLIONS OF DOLLARS

Unlawful Interstate Collection of Unlawful 12% Compound Interest Within the  
Title IV-D Legal Framework Involving Organized Felonious Obstruction of Justice  
Acts by Defendants, Obstruction of Justice and Misprision of Felony by Defendant  
Counsels

Aided and Abetted By **William Smith's** and **Marissa Pizana's**

**USURPATION** BY THE DISTRICT COURT OF THE JURISDICTION OF THE  
COURT OF APPEALS DURING THE PENDANCY OF TWO APPEALS  
THROUGH CONDUCTING 9 MONTH-LONG *VOID AB INITIO* DISTRICT  
COURT PROCEEDINGS IN 23-cv-126 THROUGH SMITH'S POST-APPEAL  
ALTERATION OF THE DOCKET RECORD FOR THE DATE OF FILING OF  
APPEAL TO FALSELY MAKE IT LOOK LIKE THERE WERE PENDING  
APPEALS AT THE TIME OF FILING OF APPEAL

**I. Appellee Counsel Pizana’s Duplicative Response (ECF 68) Is Incoherent, Fails to Raise New Arguments in Support of Deferment: Plaintiff Makes Clear Rule 62.1 Motion Seeks to Impugn the Validity of Title IV-D Administrative Procedures and the Corollary Legitimacy of Government Demonstrated In the 2024 New Evidence that Shows the Systemic Commission of Criminal Obstruction Directed Against Everyday People Under the Guise of a “Social Security” Scheme**

**A. This *Functus Officio* Court Lacks Jurisdiction to Defer or Delay Independent Challenges On Sovereign Treason Against the People**

Before the Court is Plaintiff’s Rule 62.1 Indicative Motion filed on September 6, 2024 (ECF 64). It is the operating Rule 62.1 Indicative Motion, see ECF 64-1. State Appellee Rhode Island Attorney General and its counsel, Special Attorney General Pizana’s incoherent duplicative response (ECF 68) to Plaintiff’s Rule 62.1 Indicative Motion dated September 6, 2024 (ECF 64) not only fails to demonstrate any coherent grasp of the workings of Title IV-D that is the subject of Plaintiff’s APA Claims underpinning the Rule 62.1 Indicative Motion, that concurrently proves flippant attitudes of Rhode Island’s adoption of government bureaucracy abuse of the People and waste of public funds<sup>1</sup>, but further cements the fact that

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<sup>1</sup> See, e.g., *Yates v. U.S.*, 574 U.S. 528 (2015), with note as to *no prosecution* against the “shredding party” of documents used against the Yates by the DOJ – see, Gorsuch, Neil and Nitze, Janie (2024), *Over Ruled, the Human Toll of Too Much Law*, Harpers Prentice Publishers; see also, BADGER INSTITUTE, *FEDERAL GRANT\$TANDING* 4, 16 (2018); see also, *Where States Get Their Money: FY 2021*, PEW CHARITABLE TRUSTS (Mar. 21, 2023), <https://www.pewtrusts.org/en/research-and-analysis/data-visualizations/2023/where-states-get-their-money-fy-2021>; see also, Historical Tables Table 12.2, THE WHITE HOUSE, <https://www.whitehouse.gov/omb/budget/htables/> (last visited August 30, 2024).

Rhode Island thinks Rhode Island is above the law, thereby explaining no additional basis for its wasteful, government-abuse duplicative argument for deferment (ECF 68). Under the Anglo-American *juris prudentia*, no Sovereign is above the law. No person is above the law. No agency/office is above the law. This *functus officio* federal Court **lacks jurisdiction** to defer amendment to the Amended Complaint of independent claims and independent causes of action under 5 U.S.C. § 706 impugning the validity and the legitimacy of Title IV-D administrative procedures that the 2024 evidence proves systemically alters and falsifies the interest portion of the federal Central Registry “zeroing out” interest, falsely certifying blatant criminal obstruction as “federally compliant,” (which “zeroed out interest” are then put back on the Rhode Island State registry under Title IV-D for the purpose of making false debt claims for 12% compound interest targeting individual support obligors that impact a significant majority of the United States Population), then award *billions* of *federal* public funds to continue the RICO debt collection operations making *false debt* claims in *fraud* against the People, all under the federal legal framework of an overly complicated, administratively costly, replete with federal public funds “reward” schematics built to *incentivize* unconstitutional juryless actions in debt at common law brought in now proven bad faith by the government, falsely labeled as “social security.” *See*, 42 U.S.C. § 651-669.

In this matter, the *functus officio* federal judiciary in the District of Rhode Island is complicit in furtherance of the scheme, with *functus officio* William Smith leading the charge to conduct *functus officio void ab initio* district court proceedings for nine long months, from November 20, 2023 to the present, with the last *functus officio void ab initio* order issued in March 2024 (thus far none withdrawn), that are aided and abetted by Pizana, during the pendency of two appeals, 23-1967 and 23-1978. Additionally, Plaintiff has independent causes of action against William E. Smith and Pizana, and John Doe and Jane Doe of the federal judiciary and John Doe and Jane Doe within the district of Rhode Island acting in a *federal capacity*, which this *functus officio* Court lacks the jurisdiction to defer amendment.

If it is still not clear to the Court and to Pizana, inherent in Plaintiff's Rule 62.1 Motion is the requirement for the Motion to be heard in another venue outside of the district of Rhode Island, because Plaintiff has independent claims against *functus officio* persons and the *functus officio* Office of the U.S. Courts of the district court in the district of Rhode Island.

**If this is indeed unclear, Plaintiff hereby raises on the record that Plaintiff's Rule 62.1 Motion for Indicative Ruling (ECF 64) must be transferred and heard in another venue, in the interest of justice. See, e.g., 28 U.S.C. § 1404 (a).**

As stated by James Madison, “No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, *corrupt his integrity*.” The Federalist No. 10, at 59 (J. Cooke ed. 1961). *Functus Officio* William E. Smith and the *functus officio* district court clerks, and the *functus officio* district court are exposed to obstruction liability and Plaintiff has viable claims. This matter is required to be transferred to another neutral impartial venue. *See, e.g.*, 28 U.S.C. § 1404 (a). As 28 U.S.C. §455(a) is self-executing, Smith and the judges in this district court are moreover required under the law to recuse. *See, In re Martinez-Catala*, 129 F.3d 213, 220 (1st Cir. 1991). The *functus officio* William E. Smith who post-appeal criminally altered the docket record in this matter in order to falsely make it look like there were pending motions at the time of appeal (ECF 32, 32-1, 33, 33-1) for the purposeful *criminal usurpation* of jurisdiction from the Court of Appeals, then subsequently held a prolonged and protracted *functus officio* proceeding in the district court *under color of federal law* during the pendency of two appeals 23-1967 and 23-178 for the explicit purpose of interfering with the pending appeals ultimately to conceal his former clients’ systemic criminal federal record falsifications, demonstrates he thinks he is above the law.

Within the legal framework of Title IV-D, Rhode Island, aided by the *functus officio* William Smith and other federal and state agents acting in a federal capacity

corruptly dispatch the state's legal machinery to rob the People through false debt claims for unlawful 12% compound interest under color of federal law, under the *false promise* of a "social security" RICO *false* debt collection scheme that is now proven to be nothing more than a corruption of the State's legal machinery.

Plaintiff makes clear that Plaintiff's independent APA claims and causes of action, thereupon the discovery of egregious injury to the Plaintiff by the administrative state robbing the People and robbing the Plaintiff within the legal framework of Title IV-D in 2024, is viable, and Plaintiff seeks to reopen the judgment under Rule 60(b) to amend the complaint to add APA claims and add new defendants under Rule 15(a)(2).

### **B. The Sovereign is Not Above the Law – King Charles I and the Glorious Revolution**

Pizana's duplicative unjustifiable call (ECF 68) for deferment, which the *functus officio* Court lacks jurisdiction to defer, requires an Originalism review of the Sovereign status in the Anglo-American legal jurisprudence on the legal relationship between the Sovereign and the People. The Forebearers and Founders of Massachusetts and Rhode Island (established through the grant of Royal Charter from Charles II) hail from Puritan settlers from England, where in 1649 the trial and execution of King Charles I set the defining foundation for Constitutional liberty as we know it and the constitutional legal jurisprudence underpinning the

American Revolution. “The vivid events of the trial and execution which followed, meant that no absolute monarch could again successfully claim the autocratic powers which King Charles I had enjoyed. These facts had profound consequences far from Whitehall where the King went to his death. In a sense they resound even today throughout the world. They *underlie the rights of the people which give ultimate legitimacy to the constitutional arrangements* in countries still unknown when the King faced his end.” *See, e.g.,* The Hon Justice Michael Kirby AC CMG, Anglo-Australian Lawyers Association, London-Great Hall, Grays Inn, January 22, 1999 on the 350<sup>th</sup> anniversary of the execution of King Charles.

(Justice of the High Court of Australia. Formerly President of the International Commission of Jurists)

[http://www.hcourt.gov.au/speeches/kirbyj/kirbyj\\_charle88.htm](http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_charle88.htm). “Without the trial of the King, it is inconceivable that the Glorious Revolution of 1688 would have taken place. Yet it is that revolution which finally established the system of limited or constitutional monarchy as a conditional and generally symbolic form of government, always ultimately *answerable to the will of the people*. Without the Glorious Revolution, there would probably have been no American Revolution in 1776.” *Id.*

The 1649 Sovereign, King Charles I, was charged and sentenced for “breach of the contract” made between the King and his people, and Oath the King took to

protect the People. In the words of the High Court of Justice President Bradshaw's Statement to Charles at the Conclusion of the Trial, 'there is a contract and a bargain made between the King and his people, and your oath is taken: and certainly, Sir, the bond is reciprocal; for as you are the liege lord, so they liege subjects ... ***This we know now, the one tie, the one bond, is the bond of protection that is due from the sovereign; the other is the bond of subjection that is due from the subject. Sir, if this bond be once broken, farewell sovereignty!*** ... These things may not be denied Sir. Whether you have been, as by your **office** you ought to be, a protector of England, or the destroyer of England, let all England judge, or all the world, that hath look'd upon it." *Id.*; *See*, Parliamentary Archives of the United Kingdom of Great Britain and Northern Ireland.

(<https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/civilwar/collections/trialcharlesi/>); *see also*, M. Bond (ed), *The Manuscripts of the House of Lords*, vol. 11 Addenda 1514–1714. The contract appealed to in 1649 is the “original contract” that in modern day is referred as “the social contract.”

Similar to the Rump Parliament that charged and sentenced to death the Sovereign Charles I for treasonous breach his oath of his and his Office's contract with the People of England, the legal history of the American Revolution illustrates just how important law was to the revolutionaries and, relatedly, how *crucial legal*

*justifications for their actions* were to *them*. "What counts as law?" In the American jurisprudence, *Citizens* as well as officials would have to accept the "recognition of law," lest the officials would be nothing more than 'the gunman writ large' vis-a-vis the citizens." See, Larry Alexander, *Constitutional Theories: A Taxonomy and (Implicit) Critique*, 51 SAN DIEGO L. REV. 623,642 (2014); see also, James Allan, *The Vantage Of Law: Its Role in Thinking About Law, Judging and Bills of Rights* (2011). This *functus officio* Court needs to look no further than the constitution of Rhode Island for evidence of "recognition of law" enshrining the legitimacy of the government contingent on officers' performance on the contract with the People under Oath and recognition of law contingent on their actions answerable to the will of the People: Article II, Section 3 Oath of general officers "All general officers shall take the following engagement before they act in their respective offices, to wit "You being by the free vote of the electors of this state of Rhode Island, elected unto the place of do solemnly swear to be true and faithful unto this state, and to support the Constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law. This affirmation you make and give upon the peril of the penalty of perjury." Section 7 "The People of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the

public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage. Such persons shall hold their positions during good behavior.” Plainly, officers on the oath of their offices are “answerable to the will of the people” as defined in the Trial of Charles I long ago in 1649 that is enshrined in Rhode Island’s constitution and the United States Constitution (10<sup>th</sup> Amendment). Accordingly, in 1948 Congress enacted the Administrative Procedure Act to precisely check the administrative state’s power. The Supreme Court has time and again clarified that the States accept federal regulation under the Commerce Clause, making it clear that the States act under federal authority in a federal capacity when they act as agents in a federal capacity, of which capacity Rhode Island abused, when it alters and falsifies the interest portion of the federal records in the federal Central Registry under the Title IV-D legal framework under color of federal law, for the singular purpose of concealing its unlawful 12% compound interest that it then puts back on its State registry under the Title IV-D legal framework, with which Rhode Island makes false interest debt claims against support debt obligors, the People, in juryless and structurally rigged constitutionally infirm forums, robbing the People under color of federal Title IV-D law.

Under the law, Pizana and this *functus officio* Court must acknowledge and submit to the *seismic* revolution in law restoring APA back to the 1948 Congressional “Originalism” that only just occurred on June 28, 2024 and again on July 1, 2024 with the overturn of the *Chevron* Doctrine that previously rubber stamped corrupt agencies’ corrupt interpretation of what is undeniable obstruction of justice Title IV-D administrative procedures under color of federal law that Rhode Island (with aid from William Smith) criminally withheld, which evidence was discovered by Plaintiff in 2024, that is properly before this Court. *See, Loper Bright Enterprise v. Raimondo* (slip opinion) (2024). *See also, Corner Post v. Board of Governors of the Federal Reserve System*, (slip opinion) (2024). *See also, Neil Gorsuch and Janie Nitze* (2024), *Over Ruled: The Human Toll of Too Much Law*, HarpersPrentice Publishing. In other words, a clear pathway to relief obstructed by *Chevron* in September 2023 was not available then, and Rhode Island’s criminally withheld evidence of unlawful Title IV-D procedures was purposed to conceal injury from Plaintiff and to thwart the discovery of injury, and to obstruct entitled relief. In fact, under the *Chevron Deference* Doctrine before June 28, 2024, criminal withholding or obstruction of documentary evidence by agencies within the purported Social Security legal framework is nothing new, be it in benefits denial under Social Security Disability or the present concealed criminal collection of false debts within the Title IV-D legal framework (another

“social security scheme”) under color of federal law RICO scheme – as explained by Justice Gorsuch in his August 6, 2024 book *Over Ruled: The Human Toll of Too Much Law*, under the former broadly agency-abused *Chevron* deference, “your claim is dismissed based on the strength of what more or less amounts to **secret evidence**.” See, *Biestek v. Berryhill*, 139 S. Ct. 1148, 1158-159, 1162-63 (2019) (Gorsuch, J., dissenting) (when Mr. Biestek’s case eventually reached the Supreme Court, Justices Ginsburg, Sotomayor and Gorsuch dissented.) It does not end there; for example, after the OIG performed a forensic investigation of the Yates case and found extensive criminal obstruction shredding of evidence by the Administrative State Government during the investigation, grossly violating criminal Sarbanes-Oxley under which Yates was prosecuted for *sizes of fish*, no prosecution on government officials shredding evidence was ever undertaken. That is easily fact checked. See, National Oceanographic and Atmospheric administration, Review of NOAA Fisheries Enforcement Programs and Operations 1, 3, Office of Inspector General, U.S. Department of Commerce (Jan. 2010), <https://www.oig.doc.gov/OIGPublications/19887.pdf>. See also, Memorandum from Todd J. Zinser to Dr. Jane Lubchenco, Re: OIG Investigation #PPC-SP-10-0260-P, re: Destruction of OLE Documents During an Ongoing OIG Review (Apr. 2, 2010); Allison Winter, Lawmakers Want NOAA’s Law Enforcement Chief to Quit in Wake of Scandal, N.Y. Times (Mar. 4, 2010),

<https://archive.nytimes.com/www.nytimes.com/lawmakers-want-noaas-law-enforcement-chief-to-61023.html>. In other words, the Pizana and Co. and their

RICO aider *functus officio* William Smith, betrays in their public positions before this proceeding that they rely on the administrative state's record of doing nothing to check systemic law violations by officials. Pizana's response is vacuous on substance and facts and feebly characterizes Plaintiff's detail of the Originalism of Anglo-American jurisprudence on Appellees', Pizana's, Neronha's, and Smith's obstruction of justice *mispriscio clerici* as "incoherent and rambling" simply cement the bureaucracy's abuse and waste, and a tyrant's position that it is not answerable to the People, much like King George III. *Chevron* was corruptly abused to shut down access to remedy of injured People under the guise of agency "expertise" whose one true expertise is shown in cases like here, and in *Yates*, and in *Biestek*, is the *corruption of law*.

Pizana's "say so" is no longer afforded "great weight" under the present recognition of law post *Chevron*. Article III has restored independent judicial review of officials' and unelected bureaucrats-created administrative procedures, and the *criminal* withholding in *multiple* state and federal official proceedings of blatant *criminal Title IV-D procedures* involving obstruction record alteration and falsification of unlawful interest debt federal records in a nationwide RICO debt collection scheme is subject to independent judicial review under 5 U.S.C. § 706,

with no “great weight” afforded to Pizana’s false claims before the Court that these criminal procedures serve a legitimate State interest – Pizana’s usurpation of the jurisdiction of the Court of Appeals during the pendency of two appeals (23-1967 and 23-1978) and Pizana’s false claims before official federal proceedings of legitimate Sovereign interest brings us back to the corollary all important issue of Sovereign legitimacy that the injured Texas Plaintiff has a cause and claim to impugn Sovereign validity that *directly* robs the People through false claims for debt under the guise of “social security” through *criminal* obstruction of justice secret administrative procedures that are labeled “confidential” or “secret evidence,” traces of which could already be seen in Mr. Biestek’s case. Pizana’s refusal to answer to the substance of Plaintiff’s civil claim “charges” is no different from King Charles I’s tactic refusing to answer to the charges of waging war against his own people in 1649.

In 1649, the resulting regicide was of the person of Charles I – today, commences the trial of criminal obstruction Title IV-D procedures and complicit officers under color of federal law that far exceeds the scale of the document shredding in the Yates’ case – this is systemic robbing of the People under a costly federal legal framework under the blatant lie of “social security” for *several decades*, against which relief was thwarted by judicially-created doctrines deferring to the administrative state such as *Chevron*.

The overturn of *Chevron* is the most democratic restoration of power to the People in American democracy thanks to Article III, and *Corner Post* is the most democratic restoration of access to relief under cherished Anglo-American jurisprudence, thanks to Article III, to the Injured People who are systemically injured by *gross* abuse of power of the Administrative State Behemoth. Plaintiff exemplifies Exhibit I of the Human Toll of Too Much *Corruption of Law* by the likes of the Defendants, Pizana and William Smith.

## II. CONCLUSION

**Usurpation** lasting 9 months and is on-going by this *functus officio* district court in the district of Rhode Island of the jurisdiction of the Court of Appeals during the pendency of two appeals 23-1967 and 23-1978 **necessitates transfer of venue in the furtherance of the fair administration of justice** – this is inherent in Plaintiff’s Rule 62.1 Motion (ECF 64). Plaintiff is entitled to Rule 62.1 Indicative Ruling to Grant Plaintiff’s Rule 60(b) motions and Rule 15(a)(2) motion (ECF 64) to amend the complaint to add additional APA claims and add additional defendants. Plaintiff has independent claims: it is in the interest of judicial economy to vacate Younger Abstention dismissal under Rule 60(b) and amend under Rule 15(a)(2), rather than Plaintiff filing independent APA claims in separate actions that this *functus Officio* district court lacks authority to defer in any case. The *functus Officio* district court lacks jurisdiction to defer independent

claims for remedy and relief from Sovereign administrative state officers' criminal abuse and breach of contract, and whose clear position is their corrupt Sovereign actions are not answerable to the will of the People. Anglo-American jurisprudence amply makes clear such a breach results in "farewell sovereignty" upon which *jurisprudence* the American Revolution relies *legally*. Pizana's mischaracterization of Anglo-American jurisprudence underpinning the Constitution as "incoherent" and "rambling" shows unfitness and requires sanctions for defiant refusal to uphold the Constitution before this official proceeding. This Court must be allowed to discover who (state and federal) and what actually caused to and to what extent, and how falsified Title IV-D records have been transmitted to the federal Central Registry, based on which how much federal public funds has been knowingly falsely claimed to the United States under the Title IV-D legal framework to operate the RICO scheme to defraud support obligors, and defraud the Plaintiff. Plaintiff and this Court must allow amendments to the complaint. Oral Argument is Requested.

Respectfully submitted,

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Dated: September 23, 2024

### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing motion has been filed on September 23, 2024 electronically transmitted to the Clerk of the Court who serves via the Court's ECF filing system, on all registered counsel of record.

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## EXHIBIT I.

## SPECIFICATION FOR OCSS CHANGE ORDER

### *Auto Adjustment of Interstate Interest*

This specification will outline the process by which interstate cases are selected, automatic adjustments are created, and support orders are modified all for the purpose of removing interest from interstate cases.

### FUNCTIONAL REQUIREMENTS

It is desirable for the Rhode Island Office of Child Support Services (OCSS) to prohibit the charging of interest on interstate cases. This is manually done by placing an N in the interest field on page 2 of the support order. Entry of the N not only prohibits the charging of future interest but automatically creates adjustments to zero out any existing interest.

There currently exists on the JiaRhodes system interstate cases for which the interest field is not an N and for which there is interest due. It is these cases that the system will process.

If on an interstate case, the interest field on the support order is blank, the system will automatically place an N in the interest field and create non-cash adjustments to zero out any existing interest. No support order modification or interest adjustments will be done on interstate cases without a support order or for which the interest field is already an N or is a Y, B or P.

Two reports will be created. The first will detail the interstate cases for which a support order modification was done and for which one or more interest adjustments were created. The second report will detail interstate cases for which the interest field is Y, B or P. A Y in the interest field is an order to accrue interest while B and P are orders to stay future interest but to keep any interest that has accrued to date.